

Application Serial No. 10/733,842
Amendment A
Reply to Office Action of September 23, 2005

REMARKS/ARGUMENTS

This paper is being submitted in response to the Non-Final Office Action dated September 23, 2005, having a shortened statutory period set to expire December 23, 2005, wherein:

Claims 1-23 were previously pending; and

Claims 1-23 were rejected.

Claims 1, 3-8, 10-14, 17, and 19-23 have been amended, no new claims have been added, and claims 2, 9, and 18 have been canceled without prejudice or disclaimer of the subject matter recited therein by this amendment. Accordingly, claims 1, 3-8, 10-17, and 19-23 remain currently pending in the above-identified patent application. Applicants submit that no new matter has been added by this amendment and respectfully request reconsideration of all pending claims in light of the amendments and remarks made herein.

Claim Objections

In the present Office Action, claims 6, 13, and 22 were objected to by the Examiner for grammatical informalities. Applicants' have amended the indicated claims as suggested by the Examiner and therefore respectfully submit that the Examiner's objection has been overcome.

Claim Rejections under 35 U.S.C. § 102

In the present Office Action, claims 1-2, 7-9, 14-18, and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,687,362 issued to Lindquist et al., (hereinafter, "*Lindquist*"). While not conceding that the Examiner's cited references qualify as prior art but in the interest of expediting prosecution, Applicants have elected to traverse-in-part and in part overcome the Examiner's rejections as follows. Applicants reserve the right, for example in a continuation application, to establish that one or more of the Examiner's cited reference do not qualify as prior art with respect to the invention embodiments claimed in the above-identified application.

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With regard to Applicants' claim 1 as previously submitted, the Examiner states that *Lindquist* teaches "receiving an error code from a wireless communication system," "automatically determining if the error code indicates that a designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number," "automatically determining the new telephone number from the information," and "automatically updating a database contained within the wireless communication device with the new telephone number" as claimed all at Figs. 1-3 and column 5, line 55 through column 6, line 10. More specifically, in the present Office Action the Examiner indicates that since the system of *Lindquist*, "determines if there is new or additional information about the caller/receiver" and indicates that "the address book is automatically updated" (*Lindquist*, Fig. 3, steps 306-309) the use of an error code (in the form of "yes" determination at step 308 of Fig. 3) and the automatic determination of whether such an error code indicates a change in a designated telephone number are inherently taught. With regard to Applicants' claim 2 as previously submitted, the Examiner references Fig. 3 and column 4, lines 52-67 of *Lindquist* as teaching the receipt of an error code as recited in previously-pending claim 1 in response to the wireless communication device initiating a call to the designated telephone number utilizing the wireless communication system. Applicants respectfully disagree.

Lindquist teaches an automatic address book update system which is architected to automatically update data contained within computerized address book systems by automatically populating the address entries of a subscriber's computerized address book system. According to *Lindquist's* teaching, an update is accomplished as part of the origination/receipt of a telephone call by the subscriber. Upon the initiation of a call connection between the subscriber and a calling/called party, the Local Exchange Carrier identifies the address book update service authorization for the subscriber, retrieves the calling/called party's customer database information, and transmits this information to the subscriber's address book system to populate an entry therein under the name of the calling/called party (see *Lindquist*, Abstract and Figs. 1A and 3)

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Lindquist fails to teach an "error code" as claimed

From a review of the Examiner's cited reference, Applicants note that 1) *Lindquist* fails to teach, show, or suggest how a party (e.g., a subscriber, calling, or called party) may be initially identified other than by telephone number and 2) *Lindquist* fails to teach, show, or suggest how a determination may be made whether "updated", "new", or "additional" information about a caller/receiver exists without the use of a relevant address book entry retrieved from an associated database. Applicants therefore respectfully submit that *Lindquist* fails to teach the use of an "error code" (e.g., to automatically determine whether a designated telephone number has changed to a new telephone number, where the error code is received in response to the initiation of a call to the designated telephone number and/or to automatically determining the new telephone number from information contained within the error code itself) as recited in claim 1 as amended herein.

More specifically, *Lindquist* teaches (see, e.g., Fig. 3, steps 301-303 and the accompanying description) that once a call is sent or received by a user, both the calling and called party are checked against a telephone company user database. *Lindquist* further teaches (Abstract) that the content of the customer database includes name, address, and telephone number. Applicants submit that *Lindquist* fails to teach how a calling or called user may be initially identified (*Lindquist*, Fig. 3, step 302) so that a determination may be made whether either user is even authorized to use the automatic address book update system feature (*Lindquist*, Fig. 3, step 303) other than by telephone number. Applicants therefore submit that upon the initiation of a telephone call to a designated number which has changed to a new telephone number, the system of *Lindquist* would not, without being combined with additional teachings or otherwise modified in a manner not shown or suggested within *Lindquist* itself be able to identify an associated user or subscriber as authorized to use its address book update system such that a subsequent decision whether "new" or "additional" information exists could be made.

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Stated another way, Applicants submit that the determination taught by *Lindquist* whether new or additional information is available for a user is not made until a prior decision (e.g., whether the user is authorized to utilize *Lindquist*'s address book update system at all) are made which depend upon a called telephone number. Consequently, while an indication that a called user's telephone number has changed may be received within the system of *Lindquist* "in response to the wireless communication device initiating a call to a designated telephone number," the Examiner's cited reference fails to teach, show, or suggest how or whether such an indication would be processed and/or how *Lindquist*'s system would initially identify (or misidentify) a called user upon receipt of such an indication.

Moreover, Applicants note that the determination whether new or additional information exists for a called or calling party is taught by *Lindquist* as being based solely upon review of a retrieved address book entry (see *Lindquist*, Column 5, Lines 54-64) rather than the content of an error code as claimed. *Lindquist* therefore fails to teach, as required by Applicants' claim, the receipt of an error code as recited in Applicants' claim in response to the initiation of a call to a designated telephone number and consequently either the content of such an error code (e.g., information indicating a new telephone number) or the use of such an error code (e.g., automatically determining if the error code indicates that the designated telephone number has changed to the new telephone number, and/or automatically determining the new telephone number from the information) as claimed.

Lindquist fails to teach updating each instance of a designated telephone number as claimed

As currently amended, Applicants' claim 1 recites a method for updating telephone information stored in a wireless communication device comprising, *inter alia*, automatically updating "each instance" of a designated telephone number within a database contained within the wireless communication device with a new telephone number. Utilizing the described method embodiment, multiple contacts having at least partially identical information (e.g., two users having the same home telephone number) may be updated substantially simultaneously with one another. By contrast, *Lindquist* teaches the identification of a single subscriber and called/calling user and associated address book entries and therefore implicitly teaches that a

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single address book entry is updated for each subscriber telephone call origination or receipt (see *Lindquist*, Abstract and Column 5, Lines 2-4, 16-19, and 58-60). *Lindquist* therefore fails to teach, "automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number" as claimed.

Claim Rejections under 35 U.S.C. § 103

In the present Office Action, claims 3, 10, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lindquist* in view of United States Published Patent Application No. 20040176062 A1 naming Hsieh as inventor (hereinafter, "*Hsieh*"); claims 6, 13, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lindquist* in view of United States Published Patent Application No. 20030179866 A1 naming Stillman et al. as inventors (hereinafter, "*Stillman*"); and claims 4-5, 11-12, and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lindquist* in view of well known prior art. While not conceding that any of the Examiner's cited references qualify as prior art but in the interest of expediting prosecution, Applicants have elected to traverse-in-part and in part overcome the Examiner's rejections as follows. Applicants reserve the right, for example in a continuation application, to establish that one or more of the Examiner's cited reference do not qualify as prior art with respect to the invention embodiments claimed in the above-identified application.

With regard to the Examiner's rejection of Applicants' claims under 35 U.S.C. §103, Applicants note that none of cited references or teachings are indicated as teaching, showing, or suggesting, "automatically determining if the error code indicates that a designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number," "automatically determining the new telephone number from the information," or "automatically updating a database contained within the wireless communication device with the new telephone number" as claimed. Moreover, since *Lindquist* already teaches a technique for determining whether there is "new" and "additional" information about a caller/receiver (utilizing a relevant address book entry retrieved from an associated database) Applicants submit that the Examiner's proposed combinations would be duplicative

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and that sufficient motivation to combine has not be provide as required for a prima facie case of obviousness.

With regard to the Examiner's citation of "well known prior art" and the use of "official notice" Applicants respectfully disagree and request that the Examiner cite exemplary documentary evidence to support the Examiner's assertion. More specifically, in the present Office Action the Examiner has taken official notice that "it is well known in the art to use detecting software objects in determining if an error code indicates designated information." Applicants note that a designated "telephone number" rather than simply designated information is claimed and that there are specific attributes of the claimed software object, error code, and designated telephone number not addressed in the Examiner's rejection. Consequently, Applicants submit that the Examiner has failed to address each claim as a whole and each element in context as required by a prima facie case of obviousness and that substantial supporting documentary evidence should be provided.

For at least the foregoing reasons, Applicants respectfully submit that claim 1, as amended herein, is allowable in view of the Examiner's cited references. Applicants' claims 8 and 17 each include one or more elements substantially similar to those described with respect to claim 1 and are therefore allowable for at least the reasons stated with respect to that claim. All remaining claims depend directly or indirectly from Applicants' claims 1, 8, or 17 and are therefore similarly allowable.

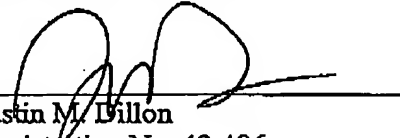
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CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and request a Notice of Allowance thereof.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0447**.

Respectfully submitted,



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